

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

JEFFREY R. KRAUSE,

Plaintiff,

Case No. 22-cv-148-pp

v.

KILOLO KIJAKAZI,

Defendant.

**ORDER DENYING MOTION FOR LEAVE TO PROCEED WITHOUT
PREPAYMENT OF THE FILING FEE (DKT. NO. 3)**

The plaintiff has filed a complaint seeking judicial review of a final administrative decision denying his claim for disability insurance benefits under the Social Security Act. Dkt. No. 1. He also filed a motion for leave to proceed without prepaying the filing fee. Dkt. No. 3.

To allow the plaintiff to proceed without paying the filing fee, the court first must decide whether the plaintiff can pay the fee; if not, it must determine whether the lawsuit is frivolous. 28 U.S.C. §§1915(a) and 1915(e)(2)(B)(i).

Based on the facts in the plaintiff's affidavit, the court concludes that he has the ability to pay the filing fee. The plaintiff's affidavit states that he is not employed, he is married, and he has no dependents he is responsible for supporting. Dkt. No. 3 at 1. The plaintiff lists monthly income of \$7,232 (\$3,517 Veterans Affairs disability, \$2,200 disability from former employer, \$1,515 SSA retirement). *Id.* at 2. The plaintiff's monthly expenses total \$5,778.52 (\$1,385 mortgage, \$1000 credit card payments, \$3,008.52 other household expenses, \$385 tractor). *Id.* at 2-3. The plaintiff owns two vehicles, a 2004 Cadillac CTS worth approximately \$1,000 and a 2008 Chevy Tahoe worth

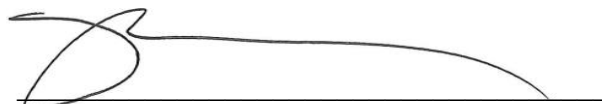
approximately \$2,000. Id. at 3. The plaintiff indicates his home is worth approximately \$546,000, with \$237,000 of equity; he owns no other property of value; and he has approximately \$4,000 in cash on hand or in a checking or savings account. Id. at 3-4. The plaintiff states, “[i]t’s still early in the month and we are still paying bills. Credit card bills are high because we spent five years fighting for my employment disability and had used up our savings and credit during that time.” Id. at 4. However, even after paying bills of more than \$5,700 per month, the plaintiff is still left with around \$1,400 from his monthly income and he has approximately \$4,000 available him in cash or a checking or savings account. The plaintiff has demonstrated that he has the disposable income to pay the \$402 filing fee.

Because the court concludes that the plaintiff has the ability to pay the filing fee, it need not determine whether the case is frivolous.

The court **DENIES** the plaintiff’s motion for leave to proceed without paying the filing fee. Dkt. No. 3. The court **ORDERS** that the plaintiff shall pay the \$402 filing fee by the end of the day on **March 4, 2022**. If the court does not receive the fee in full by the end of the day on March 4, 2022, the court will dismiss the case on the following business day without further notice or hearing, for failure to pay the required filing fee.

Dated in Milwaukee, Wisconsin this 11th day of February, 2022.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'P. Pepper', written over a horizontal line.

HON. PAMELA PEPPER
Chief United States District Judge